

REMARKS

The applicant has carefully considered the official action dated January 24, 2006, and the references it cites. In the official action, the specification was objected to, claims 1-30 were objected to, claims 1-3, 7, 16-19, 23-26, and 30 were rejected under 35 U.S.C. 102(a) and 35 U.S.C. 102(e) as anticipated by Harris (U.S. Patent No. 6,601,151), claims 8-10, 14, and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over Rubinstein (U.S. Patent No. 5,913,215) in view of Harris, and claims 4-6, 11-13, 20-22, and 27-29 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

By way of this response, paragraph [0002] of the specification has been amended to correct two minor omissions, claims 5, 12, 21, and 28 have been amended to remove the language "or equal to," claims 6, 13, 22, and 29 have been amended to include the language "or equal to" that was previously and erroneously included in claims 5, 12, 21, and 28, claim 28 has been amended to correct a minor typographical error, claims 4, 11, 20, and 27 have been cancelled without prejudice, and additional amendments have been made to claims 1-3, 6, 8-10, 13-19, 22, 24-26, and 29. In view of the foregoing amendments and the following remarks, the applicant respectfully traverses the outstanding rejections and respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Turning to the objections to claims 1-30, as described by the official action (pages 2-3), the applicant wishes to correct statements made by the examiner on the top of page 3 of the official action. In particular, language of the official action reads, "As per the specification...if the randomly-generated number is greater than the allocation probability

number, then the allocation takes place.” [Official action, page 3, lines 2-5]. This statement is incorrect. On the contrary, as correctly noted by the examiner in the Official action, “if the AP is greater than the random number, then the cache controller allows allocation...if the AP is less than or equal to the random number, the cache controller denies the allocation...”

[Official action, page 3, lines 13-16]. Accordingly, the applicant has amended dependent claims 5, 12, 21, and 28 to remove the language “or equal to,” which is, instead, now added to dependent claims 6, 13, 22, and 29.

Turning to the art rejections, the applicant respectfully submits that independent claim 1, as amended, is allowable over the art of record. As amended, independent claim 1 is now directed to a method comprising, *inter alia*, identifying the cache allocation request with one of an allocate condition or a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined number. None of the cited references teaches or suggests identifying the cache allocation request with one of an allocate condition or a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined number. In particular, independent claim 1 now incorporates subject matter indicated as allowable in the official action.

Accordingly, the applicant submits that claim 1, and claims 2, 3, and 5-7 dependent thereon, are not in condition for allowance.

Independent claim 16, as amended, is also allowable over the art of record for reasons similar to those set forth above in connection with independent claim 1. Specifically, claim 16 recites, *inter alia*, an apparatus comprising a cache controller to identify the cache allocation request with one of an allocate condition or a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined

number. The applicant submits that the rejection of claim 16, and claims 17-19, and 21-23 dependent thereon, must be withdrawn for at least the reasons set forth above in connection with claim 1.

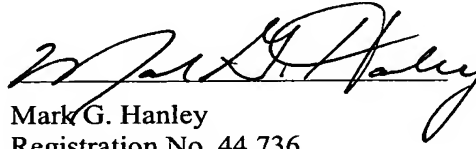
Independent claim 24, as amended, is also allowable over the art of record for reasons similar to those set forth above in connection with independent claims 1 and 16. Specifically, claim 24 recites, *inter alia*, a processor system comprising a processor coupled to the SRAM, the processor to identify the cache allocation request with one of an allocate condition and a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined number. The applicant submits that the rejection of claim 24, and claims 25, 26, and 28-30 dependent thereon, must be withdrawn for at least the reasons set forth above in connection with claims 1 and 16.

The applicant respectfully submits that independent claim 8, as amended, is allowable over the art of record. As amended, independent claim 8 is now directed to a machine accessible medium storing instructions, when executed, cause a processing system to, *inter alia*, identify the cache allocation request with one of an allocate condition or a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined number. None of the cited references teaches or suggests identifying the cache allocation request with one of an allocate condition or a bypass condition by comparing the allocation probability with at least one of a randomly-generated number or a pre-determined number. In particular, independent claim 8 now incorporates subject matter indicated as allowable in the official action.

Accordingly, claim 8, and claims 9, 10, and 12-15 dependent thereon, are now in condition for allowance.

In view of the foregoing, the applicant respectfully submits that this application is now in condition for allowance. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



Mark G. Hanley
Registration No. 44,736
Hanley, Flight & Zimmerman, LLC
(at customer number 34431)
20 North Wacker Drive
Suite 4220
Chicago, Illinois 60606
312.580.1020

Dated: **March 24, 2006**